09-14860

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TENNESSEE EASTERN DIVISION

RICSUNG INTERNATIONAL LIMITED and FUIJAN MINHOU MINXING WEAVING CO., LTD.,	
Plaintiffs/Counter-Defendants,))
v. ,) No.: 08-01213-JDB-egb
XEBEX CORPORATION, a/k/a TETRA PACIFIC CORPORATION,)))
Defendant/Counter-Claimant.))))

DEFENDANT'S RESPONSE TO PLAINTIFFS' <u>EXPEDITED</u> MOTION TO COMPEL DEFENDANT'S FULL PRODUCTION OF DOCUMENTS AND RESPONSES TO INTERROGATORIES; AND ATTENDANCE OF DEFENDANT'S RULE 30(b)(6)

REPRESENTATIVE AT ORAL DEPOSITION

Now comes Xebex Corporation, a/k/a Tetra Pacific Corporation, in response to the Plaintiffs' Expedited Motion to Compel and states the following:

Although Waldrop & Hall, P.A. has been the counsel of record for the Defendant/Counter-Claimant in this matter, initially Waldrop & Hall, P.A. was serving only as local associated counsel with the defense being lead by Chris Ragonesi, Xebex's national counsel. Since these discovery requests were served on the Defendant, Mr. Ragonesi has withdrawn his representation of the Defendant, and Waldrop & Hall, P.A. has been in negotiation with Xebex regarding its continued engagement. At this juncture, Waldrop & Hall, P.A. is proceeding as counsel of record and is making every effort to facilitate response to the Plaintiffs' discovery requests.

During the pendency of this matter, the business records of Xebex have been in the possession of personal counsel handling the divorce of the Defendant's President, Scott Weinert. That matter was settled on the evening of Tuesday, November 17, 2009, and counsel for Defendant, Xebex, has requested the immediate release of the business records into its possession, so it may facilitate a response to the Plaintiffs' discovery requests. Upon receipt of those documents, which is anticipated to occur not later than December 1, 2009, counsel for the Defendant will make the same available for inspection at the law offices of Waldrop & Hall, P.A. at 106 South Liberty Street in Jackson, Tennessee during normal business hours or otherwise by appointment.

Further, Defendant Xebex Corporation will make a 30(b)(6) representative available on December 8th, 9th, or 10th at the law offices of Waldrop & Hall, P.A. at 106 South Liberty Street in Jackson, Tennessee, for a deposition pursuant to the notice previously filed in this matter. Counsel has advised Plaintiffs' counsel of these dates by telephone in order to expedite the scheduling of that deposition.

In light of the foregoing, the Defendant, Xebex Corporation, prays that the Court deny the Plaintiffs' Motion to Compel and its request for expenses.

By:

Respectfully submitted,

s/ Charles M. Purcell_

WALDROP & HALL, P.A.

Charles M. Purcell (#012461)
Jennifer K. Craig (#020036)
Attorneys for Defendant/Counter-Claimant,
Xebex Corporation, a/k/a
Tetra Pacific Corporation

106 S. Liberty Street Post Office Box 726 Jackson, TN 38301 (731) 424-6211

CERTIFICATE OF SERVICE

The undersigned	d certifies that a tru	e and correct	copy of the	foregoing	document wa	as forwarded
by electronic means via	the Court's electron	ic filing systei	n.			

		s/ Charles M. Purcell
		WALDROP & HALL, P.A.
Date:	November 20, 2009	